

Virginia AVIATION



Published by the Virginia Department of Aviation

may-June 2002

Virginia Department of Aviation Announces New Director

The Virginia Department of Aviation (DOAV) announced recently that a new Director has been appointed by Governor Mark Warner.

Charles S. Macfarlane has been tapped as the next Director of the DOAV. A graduate of Duke University with a degree in economics with distinction, magna cum laude and a MBA from the Darden School, University of Virginia, Macfarlane also holds real estate and brokers licenses in Virginia as well as North Carolina. He holds a private pilot license and is formally the Senior Vice President of Brandywine Realty Trust. He is a member of the Aircraft Owners and Pilots Association (AOPA) and the Experimental Aircraft Association (EAA).

As Director of the DOAV, Macfarlane will be responsible for providing timely information to the Governor, Secretary of Transportation, the Virginia Aviation Board and the citizens

of Virginia. He will work in coordination with airport sponsors and local jurisdictions on issues including government affairs, capital improvements, policy and air service development. Macfarlane will also monitor the impact

of federal regulatory activity on the aviation system in Virginia and he will serve as the liaison for the DOAV.

"I look forward to working with Governor Warner and Secretary Clement on their vision for a safe, efficient and technologically advanced Virginia transportation system that is also customer

friendly," said Macfarlane.

Other accomplishments for Macfarlane are as past Director and past President of the Richmond Real Estates Group, past Director of the Chesterfield Business Council, a member of the International Development Research Council, Inc., a Director of Friends Association for Children, past

President, Board Member and member of the Parliament. He was also the President and major stockholder of the former Aeropark, Inc. located near the Richmond International Airport.

The DOAV progressively promotes, develops and maintains a safe technologically advanced, market driven air transportation system that provides the citizens of Virginia with convenient and efficient access to the expanding world community.

The DOAV provides financial and technical assistance to eligible sponsors for the planning, development, promotion, construction and operation of airports and aviation facilities.

- VIRGINIA AVIATION -

*Published bi-monthly by the
Commonwealth of Virginia,
Department of Aviation,
Public Relations Division in the
interest of and for the promotion
of aviation.*

**CHARLES
MACFARLANE**
Director

CHERRY EVANS
Manager

SETH DYE
Editor

Please send material for publication
to: Editor, *Virginia Aviation*
newsletter 5702 Gulfstream Road
Richmond, VA 23250 or e-mail to
sdye@doav.state.va.us



Pilots To Carry State Flags To NYC

Fifty pilots to fly their State flag to New York for 9/11 anniversary

To honor the memory of those killed in the 9/11 terrorist attacks, one pilot from each of the 50 states will be chosen to fly an official state flag to New York City on September 11, 2002. The pilots will present the flags to the city of New York. It is part of an ambitious effort called *Flight Across America*, organized by Molly Peebles, a Washington State pilot.

"The Flight Across America is about bringing the nation together through the celebration of flight," said Peebles, executive director and architect of the Flight. "The act of fifty pilots carrying their State flags across the country into New York City is symbolic of a nation coming together to stand in solidarity and to make the statement that tragedy does not have the last word. We are a resilient people capable of creating great possibilities, and the Flight Across America is one example."

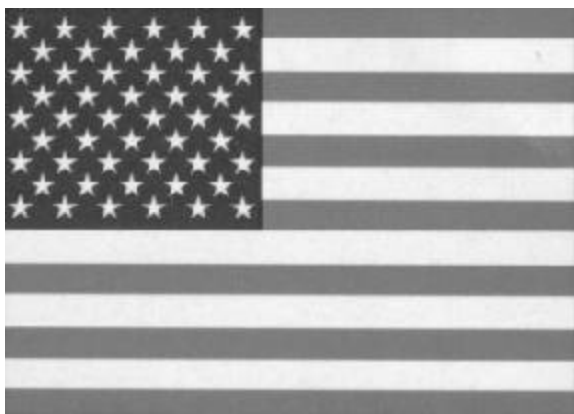
Pilots from all 50 states can apply to be a State Flag Bearer on the *Flight Across America* Web site at www.flightacrossamerica.com. The successful applicant will be one who is willing to be a spokesperson for the *Flight Across America*, elicit participation from pilots and airports in their state, and who is honored to represent their home state.

Kirk Kleinholtz, a Washington State pilot, is the first pilot to be chosen as a State Flag Bearer. He was selected because of his lifetime love of flight and his leadership in the Washington Pilots Association, his enthusiasm for the vision of the *Flight Across America* event, his ability to share that vision with

other Washington State pilots, and his sincere desire to honor the anniversary of 9/11 were also factors in his being chosen. "In my own flight across America" stated Kleinholtz, "I hope to honor the thousands of people killed or injured on 9/11, reclaim and promote the beautiful freedom of flight, and show by example why Americans coming together will always make this a wonderful country to call home."

Peebles' hope for the final days of the *Flight Across America* is that the fifty State Flag Bearing pilots will meet at Essex County airport in New Jersey on September 10, 2002. On September 11, those fifty pilots, each in their own

aircraft and each carrying their state flag, will fly as a parade down the Hudson River. They will fly by the Statue of Liberty and Manhattan. The aircraft will fly in the



order of when the state they represent joined the Union, symbolic of a nation united. The 50 state flags will then be presented to the city of New York. The details of making this vision happen are being discussed with New York City Mayor Michael Bloomberg's office, Essex County airport and the Federal Aviation Administration.

The *Flight Across America* is scheduled for August 11 through September 11, 2002. To register a flight, be a state flag bearer, or to learn more, people can visit the Web site at www.flightacrossamerica.com. Peebles hopes the event will rekindle aviation's original spirit of courage, vision and the belief in possibility. The *Flight Across America* is a national celebration of flight and of the human spirit.

Virginia Aviation Events

July 13, 2002 The 4th Annual Tazewell County Airport Fly-In will take place at the Tazewell County Airport (6V3) beginning at 9:00 a.m. (Pilots come early for breakfast from 7:00 - 9:00 a.m.). Performance by The Flying Farmer, airplane rides, children's events, vendor displays, live music and more. Plenty of food, fun and excitement for the whole family!! For details visit www.flytazewell.org or contact Buford Cordle at mgr6v3@netscope.net or (276) 963-4509.

August 20-23, 2002 Virginia Aviation Conference will take place at the Ramada Plaza Resort Oceanfront, Virginia Beach, Virginia. See page five for more details.

September 7-8, 2002 6th Annual Virginia State EAA Fly-In, brought to you by the Virginia Council of EAA Chapters, will take place at Dinwiddie County Airport in Petersburg, Virginia.

September 14, 2002 11th Annual Louisa County Air Show will take place at the Louisa County Airport/Freeman Field from 11:00 a.m. - 4:00 p.m. Airplane rides, aerobatic performances, skydivers, radio controlled airplanes, static aircraft displays, face painting and free balloons for the children. A fun-filled event for the entire family! For more information please contact Dawn Pickhardt at (540) 967-0050 or by e-mail dawnp@firstva.com.

Submit upcoming event information to:
Newsletter Editor 5702 Gulfstream Rd
Richmond, VA 23250-2422
Or call (804) 236-3631
fax (804) 236-3635

Aviation World's Fair 2003 Kicks Off Sponsorship Campaign

Official Marketing and Sponsorship Agency Selected To Bring Corporate Sponsors To Event

The Aviation World's Fair 2003 recently kicked off their sponsorship campaign to companies based in the U.S. and Canada. World of Wings, Inc., the official marketing and sponsorship agency is conducting the sponsorship awareness campaign for the Aviation World's Fair 2003.

"This is an event unlike any other we've ever seen. It offers multiple opportunities to reach a highly attractive and passionate audience and for sponsors to promote their services and products in a one-of-a-kind setting," said World of Wings CEO Bob Avery. "In addition, using the broadcast and interactive media and advertising relationships we have established, we will be able to offer integrated marketing packages to potential sponsors for promoting their brand to a global audience."

World of Wings will be working with top-level sponsors to prepare customized marketing and media packages designed with sponsors' goals in mind. Sponsors of the Aviation World's Fair 2003 will receive value-packed benefits including B2B activities, product exclusivity, on-site sales, sampling, couponing, displays and retail tie-ins. In addition, sponsors will be furnished with a first-class venue to entertain clients or employees in custom VIP hospitality chalets located on the flight line for viewing the spectacular aerial entertainment. There will even be complimentary aircraft rides providing sponsors with a unique opportunity to view the Fair from above. And much, much more!

The Aviation World's Fair 2003 begins a new era in aviation. Scheduled for April 7 - 27, 2003 at the Newport News/Williamsburg International Airport in Newport News, Virginia, this premier event is an international celebration that will bring together an affluent audience of over 1 million participants including industry, government, over 40



countries, private corporations, aviation enthusiasts, world's fair enthusiasts and the general festive-minded public. This 21-day extravaganza, endorsed by the Commonwealth of Virginia is the largest spectator event in the world to honor the history of aviation.

World of Wings, Inc. is the first marketing and media property focused

exclusively on aviation sports and entertainment. World of Wings provides venues, sponsors and broadcast networks an integrated infrastructure for tapping a vast worldwide consumer market in aviation sports and entertainment.

For more information regarding sponsorship opportunities contact: Denise Buczek, Director of Marketing World of Wings, Inc. at (202)544-6463 or e-mail dbuczek@worldofwings.com.

Additional AWF News

The Aviation World's Fair had the pleasure and distinct honor of welcoming the **Wright Family**, represented by **Ms. Marion Wright** and a number of civic leaders from Dayton, Ohio and the Outer Banks, NC when they visit Newport News recently. Ms. Wright is the widow of Wick Wright, whose uncles, Orville and Wilbur, were the famous first flyers.

A sight tour of the AWF construction site and host a luncheon were held for Ms. Wright at the AWF offices in Newport News. Daryl Collins, of the National Park Service, joined Ms. Wright and presented during the luncheon. He is one of the most charismatic and captivating speakers on the Wright Brothers' accomplishments.

Many community leaders in the Hampton Roads area helped in welcoming Ms. Wright and the other distinguished guests to the home of the Aviation World's Fair 2003.

WWW.AWF2003.COM

Memorial Scholarship Allows Young Man to Follow His Dreams to Become Pilot

Since he was a young boy, Eric Douglas dreamed of becoming a pilot. And thanks to the Curtis E. Eads Flight Training Memorial Scholarship, he will now have the chance to pursue his dreams and attend flight training school. Douglas is the first recipient of this scholarship and was honored with an award ceremony held at the Hampton Roads Executive Airport on January 31, 2002.

"Ever since I can remember I have been interested in aviation. I have been fascinated with flying and airplanes my whole life," says Douglas, who was selected from a field of student candidate nominees to receive a scholarship of \$1000 to use towards the flight training school of his choice. The 17-year-old junior at Kellam High School in Virginia Beach would like to go on to college and receive a degree in aviation.

Douglas is currently line serviceman at the Hampton Roads Executive Airport, and is described by pilot Garland Tillery as having "an unusual passion for flying that is rare and greatly appreci-

numerous pilots take to the air with our superior customer service and location, but to help Eric's dreams of becoming a

his wife Ruby started the Curtis Eads Flight School at the Hampton Roads Airport (now Hampton Roads Executive



Eric Douglas is the first recipient of the Curtis E. Eads Scholarship.

corporate pilot take flight is simply rewarding beyond comparison," said Steven I. Fox, one of the Hampton Roads Executive Airport's owners.

The annual scholarship was set up by Steven I. Fox and D. Andy Gibbs, owners of the Hampton Roads Execu-

Airport) in Chesapeake, VA. An active pilot for over 58 years, Mr. Eads became a flight instructor in 1946 with an unknown number of logged flight hours and instruction. In 1987, Eads was named the FAA's Virginia Flight Instructor of the Year. He was awarded this honor for "outstanding contributions to aviation safety through knowledgeable instruction." Curtis Eads, the most widely known aviation figure in Hampton Roads, died in 2001, but his love for aviation lives on.



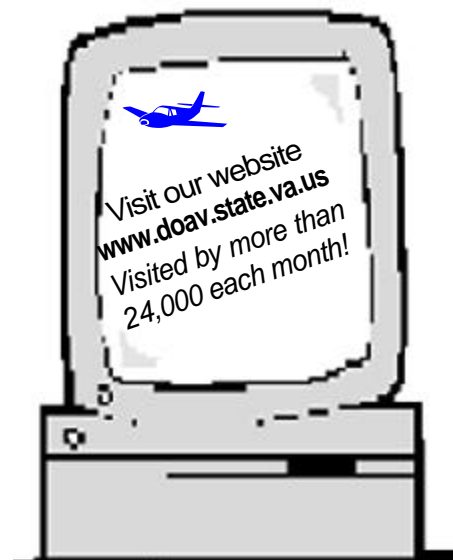
Eric Douglas, Ruby Eads, Andy Gibbs, and Steven Fox are all smiles.

ated by all pilots" and by Certified Flight Instructor Brian Miller as "energetic and driven to become involved in aviation...responsible, hardworking and trustworthy."

"Each day, we're pleased to help

tive Airport, in memory of Curtis E. Eads and in recognition of his accomplishments and contributions to the Hampton Roads Executive Airport and to the aviation industry in Hampton Roads.

Over 45 years ago, Curtis Eads and





*Aviation's Evolution:
From Cloth to Composites*

Ramada Plaza Resort Oceanfront
Virginia Beach, Virginia
August 21-23, 2002

Sponsored by:
The Virginia Department of Aviation
Virginia Aviation Board
Virginia Airport Operators Council
Virginia Aviation Business Association

**For attendance and exhibitor information for
the Virginia Aviation Conference, please contact
Betty Wilson at (804) 225-3783.**

Governor Warner Announces Unprecedented Statedwide Mapping Program

Governor Mark R. Warner recently announced the completion of the first phase of an unprecedented statewide mapping effort. High quality aerial photography of the entire commonwealth was phase one of the project. The Virginia Base Mapping Program's accomplishment represents a major landmark in the mapping industry – the most photographs ever taken for a single mapping project in a single, two-month flying season.

“Accurate base maps are an essential tool in almost every aspect of state and local government operations, from stewardship of our environment, to economic development, to public safety,” Governor Warner said. “In this time of increased concern over homeland security, the ability to plan for and rapidly respond to terrorist attacks or disasters, with accurate information from across agency and jurisdictional boundaries, is absolutely essential.”

“We must have accurate information on our land use, public services and facilities, and natural resources – and be able to easily exchange it among state and local agencies – if we are to effectively manage our future,” said Virginia Secretary of Technology George Newstrom. “The Virginia Base Mapping Program will for the first time allow every local government and every state agency to share a single, consistent mapping foundation upon which to organize and maintain such critical data. In addition this project is saving individual local governments over 50% of the cost of creating such digital mapping on their own.”

Virginia Geographic Information Network (VGIN) is also coordinating with the Assistant to the Governor for Commonwealth Preparedness, John Hager. “The Virginia Base Mapping Program is a great example of evolving technology, which serves multiple needs,

including strengthening our abilities to deter and respond to terrorist attacks,” said Hager.

Completion of the statewide aerial photography (known in the industry as “digital orthophotography”) marks the end of the first phase of the program. VARGIS, LLC, of Herndon, VA, the project contractor, and its primary subcontractors successfully captured aerial imagery for the entire state of Virginia: over 27,000 frames acquired at three different map scales in just six weeks time. The VARGIS team includes 12 Virginia firms.

The images will be used in the remaining two phases of the program to create accurate digital photos (“digital orthoimagery”) covering approximately 48,000 square miles, with the end product available to each of Virginia's cities, counties, and state agencies by February 2003. For more information contact Bill Shinar, (804) 786-8175, Virginia Geographic Information Network, www.vgin.state.va.us.

New GA Airport Under Construction In Virginia

Lee County officials are very excited about the new airport under construction in Virginia.

Although, not slated to be opened until fall of 2002, the airport is starting to take shape.

The new airport will have a 75-foot wide and 5000-foot long runway, as well

as a full length taxiway. The runway was being paved as of press time.

Be on the look out for more on Lee County Airport in *Virginia Aviation*.



Culpeper Regional Is Community Oriented

By Tanya Woodward, CJR

For the third straight year, Culpeper Regional Airport (CJR) is assisting with the “For a Child's Health” event held at the Culpeper County Library. The airport provides the coordination with the INOVA AIRCARE helicopter, which is present for the event. The event is held to allow children to get up close to rescue personnel and their equipment so

that in the event of an accident, children won't be afraid.

NASCAR drivers Ward and Jeff Burton, both from South Boston, Virginia, have visited Culpeper on two separate occasions over the past two months. You never know who you might run into at CJR. Both racers were very personable and willing to sign autographs for their fans.

CJR continues to welcome groups of interested parties that would like a tour of the facility. On the average, the airport hosts a least one group a month and encourages anyone interested to e-mail Tanya Woodward at CJR, twoodward@co.culpeper.va.us, or contact the airport at (540) 825-8280. People of all ages can find enjoyment in the marvels of flight.

Legal Flyers

By: Eric Ballou

The idea underlying this column is to address topical points of aviation law, with an emphasis on Virginia airports. That begs the question, of course: *What is aviation law?* To me, it is that combination of federal, state and local laws pertaining to the creation, development and operation of airports. This column will address the various federal, state and local laws – and their interplay – as they apply to Virginia airports.

The Fundamental Significance of State Law.

Many of us fail to recognize the vital significance of state law. Almost all airports are publicly-owned, which means the application of Virginia statutory law. Two sorts of Virginia statutes provide for this public ownership. Either a general unit of local government – a county, city or town – owns and operates an airport under its charter and/or the authority of Va. Code §§ 5.1 – 31 *et seq.*, or a Virginia statute creates the public body that owns and operates the airport – whether directly as in the case of the Charlottesville-Albemarle Airport Authority or the Winchester Regional Airport Authority or indirectly by way of a county, city or town creating a local airport authority under Va. Code § 5.1-31.

In either case, that enabling statute *is the source of the local government's existence*; it is a “mini-constitution” setting out the structure of the entity and its basic powers. In Virginia, our local governmental units generally have only those powers given by the General Assembly or those necessarily implied from that General Assembly grant of authority (the well-known “Dillon’s Rule”). Our aviation statutes generally have a similar theme with a set of common characteristics, addressing such matters as the nature and composition of the governing body and the entity’s basic powers – to contract; to acquire, use and dispose of property; to own and

operate an airport and related facilities; to establish rates, fees and charges; to establish concessions and franchises; to regulate operations through rules and regulations; and to issue debt. Airports often will also have two significant powers – the police power and the power to condemn property for a public purpose. If the question is “Can we do that?” the foundation to the answer in almost all cases lies in the enabling statute.

Other state substantive laws also apply – the Freedom of Information Act, the Public Procurement Act, the Conflict of Interests Act, “general” legal principles such as contracts, torts property and conveyancing, and common law matters (illustrated by our last column on sovereign immunity). Title 5.1 of the Virginia Code also provides for the important role of the Virginia Department of Aviation in airport system planning and financing, as well as operational matters.

The Federal Law Overlay.

Federal law does not pertain to the state law creation and operation of airport entities. Rather, federal laws interact with the “proprietary” aspects of state law on the basis of airports’ significant role in the nationwide transportation system. This interaction comes in broadbrush fashion at the level of the United States Constitution, principally the Commerce Clause (states and local governments may not act in the aeronautics area in a way that unduly burdens interstate commerce), the Supremacy Clause (state laws or regulations may not conflict with federal policy or attempt to control activity regarding subjects where federal law or regulations show Congressional intent to preempt the subject matter from state regulation); the Equal Protection Clause (state regulations cannot be discriminatory or arbitrary and must be properly promulgated and reasonably related to a legitimate state purpose); and the Tak-

ings Clause (private property may not be taken for public use without just compensation).

In more detailed fashion, however, the principal overlay of federal law comes through the federal aviation statutes, principally found in Title 49 of the United States Code, and the related regulations. Although the federal role in civil aviation first developed through airmail (the first appropriation was in 1917), the Air Commerce Act of May 20, 1926, was the initial cornerstone of federal regulation of civil aviation. The moving force behind the bill was the young but energetic aviation industry, whose leaders believed that aviation could not reach its full commercial potential without federal action to improve and maintain safety standards. The Act charged the Secretary of Commerce with developing air commerce, issuing and enforcing air traffic rules, licensing pilots, certifying aircraft, establishing airways, and operating and maintaining air navigation aids. Twelve years later, Congress passed the Civil Aeronautics Act of 1938, which transferred federal civil aviation responsibilities from the Commerce Department to the newly-created Civil Aeronautics Authority. This legislation also expanded the federal government’s role by giving the Authority the power to regulate airline fares and to determine the routes that air carriers would serve.

Following World War II, the introduction of jet airliners and a series of midair collisions helped spur passage of the Federal Aviation Act of 1958. This landmark legislation transferred CAA’s functions to a new independent body, the Federal Aviation Agency (which later became the Federal Aviation Administration when Congress created the Department of Transportation), with broad authority to establish and run an air navigation and air traffic control system and oversee aviation safety (certification of

(see [Legal](#) on pg. 8)

(**Legal** cont. from Pg. 7)

aircraft designs and of airline companies, airline training and maintenance programs and the like). The Civil Aeronautics Board retained responsibility for economic matters such as airline routes and rates (which came to an end in 1978 under the Airline Deregulation Act).

The FAA also regulates airports, although perhaps not as “intensively” as it does pilots, airlines and aircraft. The Airport and Airway Development Act of 1970 gave the FAA this authority, with the primary purpose of promoting the development of new aviation infrastructure. Commercial service airports now had to receive FAA certification, which in turn depended on FAA safety criteria for design and operation (such as the number and type of firefighting vehicles, runway lighting and fuel storage facilities). The FAA’s certification is known as a Part 139 certificate, after the section of the federal air regulations dealing with airport safety.

Significantly, the 1970 legislation placed the FAA in charge of a new air-

port aid program funded by the Aviation Trust Fund. From this source, the FAA provides grants for airport projects that enhance safety and increase the airport’s capacity and efficiency. Congress has continued to refine this program in subsequent enactments (the Aviation Safety and Noise Abatement Act of 1979, the Airport and Airway Improvement Act of 1982 and the Airport Noise and Capacity Act of 1990), has authorized the collection and use of passenger facility charges, and has heightened federal control over “airport economic” matters. For instance, the FAA Authorization Act of 1994 increased regulatory scrutiny over airport fees charged to air carriers, the FAA Reauthorization Act of 1996 focused on the identification of and enforcement actions related to “unlawful” revenue use, AIR – 21 addressed aviation funding and air service matters and last year’s Aviation and Transportation Security Act created a whole new security regime.

Federal involvement in the field of

aviation security began with the hijacking rash of the 1960s. This regulatory presence has grown over the years, most recently mushrooming with the November, 2001 passage of the Aviation and Transportation Security Act and the creation of the Transportation Security Agency. Other federal laws that apply generally include antitrust, bankruptcy, environmental and collateral or cross-cutting laws enforced through the FAA grant agreements with airport sponsors.

This has been – of necessity – an abbreviated summary. Next time, we’ll examine airport rates and fee authority in more detail. This area provides an excellent example where both federal and state principles come into play.

Eric Ballou (804/697-4122; eballou@cblaw.com) practices aviation and local government law in Richmond. This material offers general information and should not be taken or used as legal advice for specific situations that depend on the evaluation of factual circumstances.



If you are interested in learning more about what is going on in the Department of Aviation, please call our office at (804) 236-3624 or our Sponsor Hotline at (800) 292-1034. Visit our website for updates on future events at: www.doav.state.va.us.



Commonwealth of Virginia
Department of Aviation
5702 Gulfstream Road
Richmond, VA 23250-2422

Presorted
Standard
U.S. POSTAGE
PAID
Richmond, VA
Permit No. 949